

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 410 - By Senator Adams: Extending congratulations to Lawrence Acosta.

S.R. 411 - By Senators Schwartz and Doggett: Extending congratulations to Acacia Fraternity.

S.R. 412 - By Senator Aikin: Extending welcome to Fred Gilliam, Jerry Campbell, Max Fain and Leo Parson.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:16 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(April 15, 1975)

S.B. 284

FIFTY-FOURTH DAY
(Wednesday, April 16, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

A quorum was announced present.

The Reverend Kenneth Morgan, Hillcrest Baptist Church, Austin, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator McKnight was granted leave of absence for today on account of illness on motion of Senator Moore.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, April 16, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 17, Adopting Joint Rules of 64th Legislature. (With amendments)

S.C.R. 53, Requesting the Board of Regents of The University of Texas to provide Memorial Stadium as the meeting place for the April 26 gathering of the thousands of Texans who wish to show their interest in and support for the 64th Legislature as it dedicates itself to achieving equalization of educational opportunity for every Texas boy and girl.

All necessary rules suspended and the Conference Committee Report on Senate Bill 58 adopted by record-vote of 112 Ayes, 10 Nays.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following reports for the Committee on Administration:

S.B. 724

S.C.R. 41 (Ordered not printed)

S.C.R. 54 (Ordered not printed)

Senator Snelson submitted the following reports for the Committee on Intergovernmental Relations:

H.B. 361

H.B. 497

H.B. 526 (Amended)

H.B. 611

H.B. 612

S.B. 199

S.B. 374

S.B. 430

S.B. 578

S.B. 720

S.B. 797

S.B. 1006

C.S.S.B. 703 (Read first time)
C.S.S.B. 587 (Read first time)
C.S.S.B. 313 (Read first time)

Senator Creighton submitted the following reports for the Committee on Economic Development:

H.B. 191
S.B. 779
S.B. 765
C.S.S.B. 116 (Read first time)

Senator Mauzy submitted the following reports for the Committee on Education:

H.B. 696
H.B. 226 (Amended)
S.B. 899 (Amended)
S.B. 369 (Amended)
S.B. 719 (Amended)
H.B. 493

Senator Schwartz submitted the following reports for the Committee on Jurisprudence:

H.B. 528 (Amended)
S.B. 496 (Amended)
H.B. 409 (Amended)

SENATE BILLS AND RESOLUTION ON FIRST READING

By unanimous consent the following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senators Harris, Ogg and Williams:

S.B. 1036, A bill to be entitled An Act amending Title 63, Revised Civil Statutes of Texas; providing that the provisions of Title 63 shall not apply to construction in any city or town which has adopted a nationally recognized model building code; providing that construction completed in accordance with the nationally recognized model building code shall be deemed to comply with Title 63; providing for severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Jones:

S.B. 1037, A bill to be entitled An Act relating to coverage for persons under the Federal Coal Mine Health and Safety Act of 1969, as amended, in the Texas Workmen's Compensation Assigned Risk Pool; amending Subsection (c), Article 5.76, Insurance Code, as amended by Section 1, Chapter 230, Acts of the 62nd Legislature, Regular Session, 1971; and declaring an emergency.

To Committee on Jurisprudence.

By Senators Mauzy and Harris:

S.B. 1038, A bill to be entitled An Act authorizing any county having a population in excess of 1,000,000, according to the most recent Federal Census, to issue certificates of indebtedness for the purpose of constructing, enlarging, furnishing,

equipping and repairing county buildings and other permanent improvements, and the acquisition of sites therefor; prescribing limitations as to the aggregate principal amount of such certificates may be issued; prescribing the procedure for their issuance and sale; requiring the levy and collection of ad valorem taxes for their payment; prescribing their eligibility for investments by certain funds and for security for the deposits of public funds; enacting other provisions related to the subject; and declaring an emergency.

To Committee on Economic Development.

By Senator Creighton:

S.B. 1039, A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, and financing of the Alvarado Water Authority; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Brooks:

S.B. 1040, A bill to be entitled An Act amending Section 10 of Acts 1965, 59th Legislature, page 565, Chapter 288 (codified as Section 10 of Article 5139 VV, Vernon's Texas Civil Statutes); providing for the assessment and collection of a fee for the receipt and disbursement of child and wife support payments by the Chief Juvenile Probation Officer of Harris County, providing for the safekeeping and administration of the fund created by the collection of such fees, and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Moore:

S.B. 1041, A bill to be entitled An Act ratifying, confirming, approving and validating the creation and organization of Brazos County Municipal Utility District No. 1 and all actions taken by the Board of Directors of said district in organizing, selecting officers, authorizing, selling or issuing bonds of said district; all bonds heretofore voted, authorized, approved, sold or issued by said district and related matters; correcting an error in the legal description of the boundary of said district; providing a non-litigation clause; providing a savings clause; and declaring an emergency.

To Committee on State Affairs.

By Senator Traeger:

S.J.R. 63, Proposing a constitutional amendment to authorize certain transfers of publicly owned urban property to private individuals for restoration and preservation and to authorize certain ad valorem tax exemptions on the property.

To Committee on Texas Constitution.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committees indicated:

H.B. 732, To Committee on Jurisprudence.

H.B. 318, To Committee on State Affairs.

SENATE BILL 61 WITH HOUSE AMENDMENTS

Senator Moore called **S.B. 61** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

AMENDMENT NO. 1

Amend Section 2 of Senate Bill 61, line 27 of page 3 by adding the following:
"It is expressly provided that records of all individual members and beneficiaries in the custody of the State retirement systems named in this Act are to be considered in the manner of personnel records, and such records are hereby deemed to be confidential information under the provisions of Chapter 424, Acts of the 63rd Legislature, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes)."

AMENDMENT NO. 2

Amend Section 2 of Senate Bill 61 by inserting the word "thereafter" between the word "has" and the word "served" on line 18 of page 3.

The House amendments were read.

Senator Moore moved to concur in House amendments.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braeckleir, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Ogg.

Absent-excused: McKnight.

HOUSE BILLS AND RESOLUTION POSTPONED

On motion of Senator Adams and by unanimous consent, consideration of **H.B. 353, 865, 513, 511, 613, 245, 154, 669, 617, 135, 985** and **H.C.R. 12** were postponed until the next Local and Uncontested Bills Calendar, Thursday, April 17.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
April 16, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Board of Regents of Lamar University: For a six-year term to expire October 4, 1975: Mr. Tolbert Thurman Crowder of Port Arthur, Jefferson County is replacing Mr. William Samuel Monroe of Port Arthur, Jefferson County who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 169 (Again Signed)

NOTICE OF EXECUTIVE SESSION

Senator McKinnon gave notice that he would move for an Executive Session of the Senate at 11:00 o'clock a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 495

On motion of Senator Clower and by unanimous consent, Senator Mengden will be shown as Co-author of **S.B. 495**.

SENATE JOINT RESOLUTION 11 WITH HOUSE AMENDMENTS

Senator Gammage called **S.J.R. 11** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

HOUSE AMENDMENTS TO SECTION 1

Amendment 1

Amend Subsection (c) of Section 3 of Article III contained in Subsection (a) of Section 1 of **S.J.R. 11**, House First Printing, by deleting the words "to be elected" in the second line of the subsection. (page 3, line 5)

Amendment 2

Amend the Section entitled "REDISTRICTING" in Subdivision (4) of Subsection (b) of Section 1 of **S.J.R. 11**, House First Printing, by deleting the words "prior to" and placing in lieu thereof the words ", and as it existed on". (page 30, line 4)

Amend Subdivision (3) of Subsection (c) of Section 1 of **S.J.R. 11**, House First Printing, to read as follows:

"(3) Articles II, XIII, and XIV of the constitution are repealed and, on September 1, 1976, the articles following Article XIV are appropriately renumbered;" (page 33, line 7-9)

Amend Subparagraph (A) of Subdivision (8) of Subsection (c) of Section 1 of **S.J.R. 11**, House First Printing, to read as follows:

"(A) If Proposition No. 2, The Judiciary, is not adopted, Section 11A is added [retained] as a new section in [revised] Article V [IV] and is appropriately numbered." (page 34, lines 19-21)

The House amendments were read.

Senator Gammage moved to concur in House amendments to Section 1.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Lombardino, Longoria, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton, Harris, Kothmann, Mengder and Moore.

Absent-excused: McKnight.

HOUSE AMENDMENTS TO SECTION 2

Amendment 3

Amend Section entitled "STABILIZATION OF SUPREME COURT SIZE." in Subdivision (2) of Subsection (b) of Section 2 of S.J.R. 11, House First Printing, by deleting the words "August 31" in the last line of the section and placing in lieu thereof the words "September 1". (page 47, line 19)

Amend Section entitled "COUNTY COURT; COUNTY JUDGE." in Subdivision (2) of Subsection (b) of Section 2 of S.J.R. 11, House First Printing, by deleting the words "prior to" in the fourth line of the section and placing in lieu thereof the word "on". (page 47, line 23)

Amend Section entitled "QUALIFICATIONS COMMISSION." in Subdivision (2) of Subsection (b) of Section 2 of S.J.R. 11, House First Printing, by deleting the words "prior to" in the fifth line of the section and placing in lieu thereof the word "on". (page 49, line 8)

Amendment 4

Amend the Section entitled "COUNTY ATTORNEYS" in Subparagraph (B) of Subdivision (7) of Subsection (c) of Section 2 of S.J.R. 11, House First Printing, by deleting the words "Subsection (b) of Section 3 of Article IX" and placing in lieu thereof the words "Subsection (c) of Section of Article IX." (page 57, lines 3-4)

Amendment 5

Amend Subsection (b) entitled "COURTS OF APPEALS DISTRICTS AND JUDGES." of the Section entitled "JUDICIARY TRANSITION ON EFFECTIVE DATE" in Subdivision (2) of Subsection (b) of Section 2 of S.J.R. 11, House First Printing, by deleting the word "same" in the fourth line of the subsection and placing in lieu thereof the word "identical." (page 45, line 15)

Amendment 6

Amend S.J.R. 11, Section 2(a), so that the revised Article V, Section 7(d), reads as follows:

"(d) The legislature by law may provide for an agency of the judicial branch to propose rules for administration of the unified judicial system and to perform other duties as provided by law. Members of this agency are not subject to the provisions of Article II of this constitution."

Amendment 7

Amend S.J.R. 11, Section 2(b), so that Subsection c(1) of the section captioned "JUDICIARY TRANSITION ON EFFECTIVE DATE" reads as follows:

"(c) DISTRICT AND CIRCUIT JUDGES. (1) Until otherwise provided by law, each district judge or judge of a criminal district court, domestic relations court, special juvenile court, or specially designated probate court becomes a district court judge."

Amendment 8

Amend S.J.R. 11, House First Printing, by amending Subsection (b) of Section 11 of Article V, page 40, lines 3-6, to read as follows:

"(b) Each county must be served by a district attorney. The district attorney shall represent the state in all criminal cases in courts below the level of court of appeals, except municipal courts or justice courts, but in counties in which there is a county attorney, the duties and functions of the district and county attorneys are as provided by law. The district attorney ~~represents the state in such criminal actions as provided by law and~~ performs other duties and functions provided by law."

Amendment 9

Amend S.J.R. 11, Section 2(c)(7)(A), so that Subsection (b) of the section to be added to Article IX of the constitution and captioned "COUNTY GOVERNMENT" reads as follows:

"(b) The county commissioners court shall from time to time (1) determine the justice precincts and provide for an elected constable for each justice court and (2) divide the county into four separate and compact commissioners precincts, each containing as nearly as practicable an equal number of inhabitants."

Amendment 10

Amend Subparagraph (B) of Subdivision (7) of Subsection (c) of Sec. 2 of S.J.R. 11, House First Printing, page 56, lines 24-25, to read as follows:

"(B) The following section is added to the transition schedule ~~[Article IX of the constitution]~~ and is appropriately numbered:"

The House amendments were read.

Senator Gammage moved to concur in the House amendments to Section 2.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Lombardino, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton, Harris, Kothmann, Longoria, Mauzy and Moore.

Absent-excused: McKnight.

HOUSE AMENDMENTS TO SECTION 4

Floor Amendment 11

Amend Subsection (d) of Section 7 of Article VII contained in Subsection (a) of Sec. 4 of S.J.R. 11, House First Printing, by inserting the word "governing" between

the words "the" and "board" on page 74, line 25, and by deleting the words "directors of" on page 74, line 26.

Amendment 12

Amend Section 9 of Article VII contained in Subsection (a) of Sec. 4 of S.J.R. 11, House First Printing, by deleting Subsections (a), (b), (c), (d), and (e), and substituting in lieu thereof the following:

"(a) There is hereby established the Higher Education Fund for Texas.

"(b) A state ad valorem tax is hereby levied on real property and tangible personal property of 10 cents on the \$100 assessed valuation for the Higher Education Fund for Texas. The rate of the tax may be changed by law, but not to exceed 10 cents on the \$100 assessed valuation. For purposes of this tax, the legislature shall establish by law an assessment ratio that must be applied uniformly throughout the state.

"(c) The legislature shall provide by law for an annual assessment of needs, according to which the fund is to be allocated among the state systems of higher education (except institutions in The University of Texas System and The Texas A&M University System) and the state senior institutions not included in a system. The fund must be allocated under equitable formulas based on statewide higher education needs. If in any year the total allocations are less than the revenue generated by the tax levied in this section, the surplus revenue accumulates in the fund and is to be invested as provided by law. Income from the fund is allocated as provided in this subsection.

"(d) The fund, income from the fund, or proceeds from bonds or notes issued under this section may be used to acquire real property, construct permanent improvements, repair or rehabilitate existing permanent improvements, acquire library books or library materials, acquire capital equipment, or service debt incurred under this section.

"(e) The governing boards of the state systems of higher education (except institutions in The University of Texas System and The Texas A&M University System) and the governing boards of the state senior institutions not included in a system may issue negotiable bonds or notes for the benefit of their systems or institutions based on allocations to their systems or institutions under Subsection (c). Bonds or notes issued under this subsection are secured by and payable only from the fund. Bonds or notes may be issued to refund bonds issued under this section. No bonds or notes may be issued under this section without the prior approval of the attorney general. After approval the bonds and notes are incontestable.

"(f) The Legislature may provide by law for allocation of a portion of the fund to state-owned vocational and technical institutes that do not grant academic degrees."

The House amendments were read.

Senator Gammage moved to concur in the House amendments to Section 4.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton, Harris, Jones, Mauzy, Mengden and Moore.

Absent-excused: McKnight.

HOUSE AMENDMENTS TO SECTION 5

Amendment 13

Amend Article VIII, Section 2(c) of S.J.R. 11, page 86, line 9, by striking the period after the word, "boundaries", and inserting the following:
"in the manner prescribed by law".

Amendment 14

Amend Subsection (a) of the Section entitled "CONSTITUTIONAL POWERS OMITTED FROM IMPLEMENTING STATUTES" in Subdivision (4) of Subsection (b) of Section 5 of S.J.R. 11, House First Printing, by deleting the words "prior to" and placing in lieu thereof the word "on". (page 98, line 13)

Amend the untitled section contained in Subdivision (6) of Subsection (c) of Section 5 of S.J.R. 11, House First Printing, by deleting the word "article" in the seventh line of the section and placing in lieu thereof the word "section". (page 102, line 25)

The House amendments were read.

Senator Gammage moved to concur in the House amendments to Section 5.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Lombardino, Mauzy, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton, Harris, Kothmann, Longoria, McKinnon, Mengden and Moore.

Absent-excused: McKnight.

HOUSE AMENDMENT TO SECTION 6

Amendment 15

Amend S.J.R. 11, House First Printing, by amending Subparagraph (C) of Subdivision (9) of Subsection (c) of Sec. 6, beginning on page 125, line 20, to read as follows:

"(C) Section 21 of Article V is amended to read as follows:

"Section 21. ~~[A County Attorney, for counties in which there is not a resident Criminal District Attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor, and hold his office for the term of four years. In case of vacancy the Commissioners Court of the county shall have the power to appoint a County Attorney until the next general election.]~~ The District [County] Attorneys shall represent the State in all cases in the District and inferior courts in their respective districts [counties]; but in counties [if any county shall be included in a district] in which there is ~~[shall be]~~ a County [District] Attorney, the respective duties of the District Attorneys and County Attorneys shall ~~[in such counties]~~ be regulated by law ~~[the Legislature]~~. The Legislature may provide for the election of District Attorneys in the ~~[such]~~ districts, as ~~[may be]~~ deemed necessary, and make provision for the compensation of District Attorneys ~~[and County Attorneys]~~. District Attorneys ~~[shall]~~ hold office for ~~[a term of]~~ four years, and until their successors have qualified."

The House amendment was read.

Senator Gammage moved to concur in the House amendment to Section 6.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Moore.

Absent-excused: McKnight.

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

S.B. 387 (Again signed)
S.B. 507
S.B. 75 (Signed subject to the
provisions of Section 49a,
of Article III of the
Constitution of Texas)

HOUSE BILL 1004 POSTPONED

On motion of Senator Lombardino and by unanimous consent, consideration of House Bill 1004 was postponed.

HOUSE BILL 784 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 784, A bill to be entitled An Act relating to county election precincts formed by commissioners courts; amending subsection (b) of Section 12, Texas Election Code, as amended (Article 2.04, Vernon's Texas Election Code); and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 784 ON THIRD READING

Senator Snelson moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 784** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman,

Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Snelson offered the following Committee Amendment to the bill:

Amend House Bill 784 by striking Section 1 in its entirety and substituting a new Section 1 to read as follows:

"Section 1. Subsection (b) of Section 12, Texas Election Code, as amended (Article 2.04, Vernon's Texas Election Code), is amended to read as follows:

"(b) No election precinct shall be formed out of two or more justice precincts or commissioners precincts; and no election precinct shall be formed out of two or more congressional districts or state senatorial districts or state representative districts, nor out of the parts of two or more such districts. If in September of any year there exists any election precinct in the county which does not comply with the foregoing requirements, the commissioners court shall make the necessary changes before the first day of October, either at a regular meeting or at a special meeting called for that purpose; and the order shall be published as provided in Paragraph (a) of this section. Subject to the provisions of the first sentence of this paragraph, no election precinct shall have resident therein less than 100 nor more than 2000 voters as ascertained by the number of registered voters for the last preceding presidential general election year; provided, however, that in counties of less than 100,000 population according to the last preceding federal census, the commissioners court may establish precincts of less than 100 but not less than 50 voters; and provided further, that in counties of less than 50,000 population according to the last preceding federal census, the commissioners court may establish precincts of less than 50 voters upon the petition of 25 or more registered voters within the county. In ~~the~~ precincts in which voting machines or devices have been adopted for use in accordance with Section 79 or Section 80 of this Code, the maximum number of voters shall be 3,000. There shall be a minimum of one election precinct wholly contained within each commissioners precinct."

The Committee Amendment was read and was adopted by unanimous consent.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed.

HOUSE BILL 768 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 768, A bill to be entitled An Act relating to the qualification of certain applicants for licensure to practice medicine; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 768 ON THIRD READING

Senator Brooks moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 768** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin.

Absent-excused: McKnight.

SENATE BILL 925 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 925, A bill to be entitled An Act relating to the authority of the State Board of Insurance and the state fire marshal appointed by the board over the regulation of fire alarm and fire detection devices and systems, the investigation of arson, and implementation of other laws, rules, and regulations concerning the state fire marshal; amending Chapter 5, Insurance Code, as amended by adding Article 5.43-2; amending Chapter 1, Insurance Code, as amended by adding Article 1.09A; repealing Subsection (b), Article 1.09, Insurance Code; providing a penalty; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 925 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 925** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

SENATE BILL 247 ON THIRD READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 247, A bill to be entitled An Act amending Title 3, Family Code, etc.; and declaring an emergency.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Aikin, Mauzy, Clower, Patman, Mengden and Sherman asked to be recorded as voting "Nay" on the final passage of the bill.

MOTION TO PLACE SENATE BILL 154 ON SECOND READING

Senator Jones asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 154, A bill to be entitled An Act relating to hunting license requirements for persons hunting wild game animals or wild birds in the county of their residence or on land on which they are residing; amending Sections 1 and 8, Chapter 370, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 895c, Vernon's Texas Penal Code); and declaring an emergency.

There was objection.

Senator Jones then moved to suspend the regular order of business and take up **S.B. 154** for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 12.

Yeas: Braecklein, Doggett, Farabee, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Schwartz, Snelson and Williams.

Nays: Adams, Aikin, Brooks, Clower, Creighton, Gammage, Harris, McKinnon, Patman, Santiesteban, Sherman and Traeger.

Absent: Andujar and Moore.

Absent-excused: McKnight.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 412 ON SECOND READING**

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 412, A bill to be entitled An Act relating to liability for certain sales of securities; amending Subsection A of Section 33, Chapter 269, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 581-33, Vernon's Texas Civil Statutes); and declaring an emergency.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **C.S.S.B. 412** for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 15, Nays 12, Present-Not voting, 1.

Yeas: Adams, Aikin, Braecklein, Creighton, Gammage, Hance, Harris, Jones, Kothmann, Lombardino, Mengden, Santiesteban, Schwartz, Snelson and Traeger.

Nays: Brooks, Clower, Doggett, Farabee, Harrington, Longoria, Mauzy, McKinnon, Meier, Patman, Sherman and Williams.

Present-Not voting: Ogg.

Absent: Andujar and Moore.

Absent-excused: McKnight.

NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 8:30 o'clock a.m. tomorrow.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Thursday, April 17, 1975

H.B. 226 - Senator Harrington
H.B. 409 - Senator Mauzy
H.B. 493 - Senator Gammage
H.B. 497 - Senator Longoria
H.B. 526 - Senator Ogg
H.B. 528 - Senator Mauzy
S.J.R. 49 - Senator Sherman
C.S.S.B. 69 - Senator Moore
S.B. 96 - Senator Ogg
C.S.S.B. 109 - Senator Mauzy
C.S.S.B. 110 - Senator Mauzy
S.B. 131 - Senator Meier
S.B. 196 - Senator Santiesteban (Third reading)
S.B. 199 - Senator Clower
S.B. 228 - Senator Moore
C.S.S.B. 244 - Senator Ogg
C.S.S.B. 250 - Senator Mauzy
S.B. 257 - Senator Mauzy
C.S.S.B. 262 - Senator Doggett
C.S.S.B. 270 - Senator Doggett
S.B. 309 - Senator Snelson
C.S.S.B. 386 - Senator Schwartz
C.S.S.B. 397 - Senator Doggett
S.B. 401 - Senator Lombardino
S.B. 405 - Senator Sherman
S.B. 467 - Senator Harris
S.B. 485 - Senator Farabee
S.B. 496 - Senator Mauzy
S.B. 600 - Senator Gammage
S.B. 609 - Senator McKinnon
S.B. 636 - Senator Sherman
S.B. 637 - Senator Gammage
S.B. 710 - Senator Mauzy
S.B. 724 - Senator Williams
S.B. 752 - Senator Williams
S.B. 816 - Senator Gammage
S.B. 834 - Senator Moore
S.B. 847 - Senator Hance
S.B. 869 - Senator Clower
S.B. 909 - Senator Ogg
S.B. 950 - Senator Snelson
S.B. 986 - Senator Moore
S.B. 1004 - Senator Brooks

MEMORIAL RESOLUTIONS

S.R. 414 - By Senator Moore: Memorial resolution for J. Phillip Gibbs, Jr.

S.R. 416 - By Senator Snelson: Memorial resolution for Brown Bailey.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 413 - By Senator Adams: Extending welcome to students from Athens High School.

S.R. 415 - By Senator Andujar: Extending congratulations to Dr. R. T. Weber.

S.R. 417 - By Senator Adams: Extending congratulations to Jacksonville Daily Progress.

S.R. 419 - By Senator Aikin: Extending welcome to Miss Lauren Braswell and Miss Sherlene Peterson.

RECESS

On motion of Senator Aikin the Senate at 12:10 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Comptroller**

(April 16, 1975)

S.B. 75

Sent to Governor

(April 16, 1975)

S.B. 387 (again sent)

S.B. 507

S.B. 75

FIFTY-FOURTH DAY

(Continued)

(Thursday, April 17, 1975)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Adams.

**JURISPRUDENCE COMMITTEE GRANTED PERMISSION TO MEET
WHILE SENATE IN SESSION**

On motion of Senator Schwartz and by unanimous consent, the Committee on Jurisprudence was granted permission to meet while the Senate was in session.

**INTERGOVERNMENTAL RELATIONS COMMITTEE GRANTED
PERMISSION TO MEET
WHILE SENATE IN SESSION**

On motion of Senator Snelson and by unanimous consent, the Committee on Intergovernmental Relations was granted permission to meet while the Senate was in session.

**FINANCE COMMITTEE GRANTED PERMISSION TO MEET
WHILE SENATE IN SESSION**

On motion of Senator Aikin and by unanimous consent, the Committee on Finance was granted permission to meet while the Senate was in session.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in the Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 170.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

C.S.S.B. 26 (Doggett)(30-0)(30-0)

C.S.S.B. 27 (Doggett)(30-0)(30-0)

S.B. 98 (Ogg)(30-0)(30-0)

S.B. 179 (Harrington)(30-0)(30-0)

C.S.S.B. 219 (Braecklein)(30-0)(30-0)

S.B. 302 (Creighton)(26-4) Adams, Mauzy, McKinnon and Meier "Nay" (26-4)
Adams, Mauzy, McKinnon and Meier "Nay"

S.B. 374 (Clower)(30-0)(30-0)

S.B. 382 (Longoria)(30-0)(30-0)

S.B. 391 (Jones)(30-0)(30-0)

S.B. 435 (Braecklein)(30-0)(30-0)

C.S.S.B. 464 (Doggett)(30-0)(30-0)

S.B. 497 (Mauzy)(30-0)(30-0)

S.B. 527 (Harrington)(30-0)(30-0)

S.B. 534 (Ogg)(30-0)(30-0)

C.S.S.B. 553 (Braecklein)(30-0)(30-0)

- S.B. 577 (Ogg)(30-0)(30-0)
- S.B. 598 (Doggett)(30-0)(30-0)
- S.B. 601 (Longoria)(30-0)(30-0)
- S.B. 604 (Creighton)(30-0)(30-0)
- S.B. 608 (McKinnon)(30-0)(30-0)
- S.B. 634 (Sherman)(30-0)(30-0)
- S.B. 643 (Schwartz)(30-0)(30-0)
- S.B. 647 (Schwartz)(30-0)(30-0)
- S.B. 655 (Santiesteban)(30-0)(30-0)
- S.B. 681 (Longoria)(29-1) Mauzy "Nay" (29-1) Mauzy "Nay"
- S.B. 690 (Gammage)(30-0)(30-0)
- S.B. 705 (Mauzy)(30-0)(30-0)
- S.B. 717 (Williams)(30-0)(30-0)
- S.B. 720 (Mauzy)(30-0)(30-0)
- S.B. 754 (Harris)(30-0)(30-0)
- S.B. 767 (Meier)(30-0)(30-0)
- S.B. 769 (Meier)(30-0)(30-0)
- S.B. 787 (McKinnon)(30-0)(30-0)
- S.B. 796 (Doggett)(30-0)(30-0)
- S.B. 827 (Mauzy)(30-0)(30-0)
- S.B. 878 (Harris)(30-0)(30-0)
- C.S.S.B. 881 (Doggett)(30-0)(30-0)
- C.S.S.B. 883 (Doggett)(30-0)(30-0)
- S.B. 889 (Jones)(30-0)(30-0)
- S.B. 890 (Jones)(30-0)(30-0)
- S.B. 891 (Jones)(30-0)(30-0)
- S.B. 897 (Doggett)(29-1) Meier "Nay" (29-1) Meier "Nay"

S.B. 927 (Hance)(30-0)(30-0)
S.B. 996 (Creighton)(30-0)(30-0)
S.B. 1008 (Farabee)(30-0)(30-0)
S.B. 1011 (Jones)(30-0)(30-0)
S.B. 1027 (Ogg)(30-0)(30-0)
S.C.R. 35 (Schwartz)(vv)
S.C.R. 41 (Clower)(vv)
S.C.R. 44 (Ogg)(vv)
S.C.R. 54 (Moore)(vv)
S.R. 267 (Schwartz/Harrington)(vv)
S.R. 268 (Schwartz)(vv)
S.R. 269 (Schwartz)(vv)
H.B. 135 (Sherman)(30-0)(30-0)
H.B. 154 (Sherman)(30-0)(30-0)
H.B. 245 (Mauzy)(30-0)(30-0)
H.B. 353 (Adams)(30-0)(30-0)
H.B. 361 (Traeger)(30-0)(30-0)
H.B. 513 (Schwartz)(30-0)(30-0)
H.B. 612 (Traeger)(30-0)(30-0)
H.B. 613 (Braecklein)(29-1) Mauzy "Nay" (29-1) Mauzy "Nay"
H.B. 617 (Farabee)(30-0)(30-0)
H.B. 669 (Longoria)(30-0)(30-0)
H.B. 865 (Farabee)(30-0)(30-0)
H.B. 985 (Sherman)(30-0)(30-0)
H.C.R. 12 (Sherman)(vv) Creighton "Nay"

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of Constitutional Three-Day Rule and final passage.)

S.B. 130 (Meier)—

Senator Meier offered the following Committee Amendment to the bill:

Amend **S.B. 130**, page 5, line 2, by deleting the word "request" between the words "upon" and "of" and substituting in lieu thereof the word "receipt".

The Committee Amendment was read and was adopted.

Senator Meier offered the following Committee Amendment to the bill:

Amend **S.B. 130**, page 1, lines 4 and 8, by deleting "1925" and substituting in lieu thereof "1965"; and by deleting in lines 5, 9 and 10, Article "54.14" and substituting in lieu thereof Article "51.14".

The Committee Amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 392 (Jones)—

Senator Jones offered the following Committee Amendment to the bill:

Amend **S.B. 392** by deleting the words "changing the name of game management officers" as they appear in the caption, and substituting in lieu thereof the following: "peace officers".

The Committee Amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 533 (Ogg)—

Senator Ogg offered the following Committee Amendment to the bill:

Amend **S.B. 533**, Section 1, by adding a new Subsection (c) to read as follows:

"(c) In addition to and cumulative of all other compensation, expenses, and perquisites authorized by law and this Act, the Presiding Judge of any Administrative Judicial District in Texas which has no less than fifteen or more than thirty-nine district courts therein, when such Presiding Judge is a retired district judge, shall receive not less than \$5,000.00 per annum as compensation for performing duties as the Presiding Judge of such Administrative Judicial District. Biennially the Council of Judges of such Administrative Judicial District shall fix the amount of such compensation by a majority vote of the judges. Each county comprising such Administrative Judicial District shall pay out of the officers salary fund or the general fund of the county the amount of salary apportioned to it as herein provided. The aforesaid salary, or compensation, and all other expenses incidental thereto, shall be paid annually by the said counties in such Administrative Judicial District to the Presiding Judge of such Administrative Judicial District, and by said judge placed in an Administrative Fund, from which fund said salary, and other expenses incidental thereto, shall be paid. Said salary shall be paid in twelve equal monthly payments. Said salary shall be apportioned according to the assessed property valuation of each judicial district comprising such Administrative Judicial District and after so apportioned the amount

apportioned shall be apportioned to each county comprising the judicial district according to the assessed property valuation of the county."

The Committee Amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 537 (Moore)—

Senator Moore offered the following Committee Amendment to the bill:

Amend **S.B. 537** by deleting the period at the end of Section 1 and adding the following: "except those specific provisions of Chapter 20 of this Title."

The Committee Amendment was read and was adopted.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 547 (Santiesteban)—

Senator Santiesteban offered the following Committee Amendment to the bill:

Amend **S.B. 547** by striking the word "of" in the third line of Section 2 of the bill and substituting the word "and".

The Committee Amendment was read and was adopted.

Senator Santiesteban offered the following Committee Amendment to the bill:

Amend **S.B. 547** by adding the word "Kinney," between the words "Val Verde," and "Maverick," in the 5th line of Section 1 of the bill.

The Committee Amendment was read and was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 653 (McKinnon)—

Senator Mauzy offered the following amendment to the bill:

Amend **S.B. 653** by striking Sec. 2.(a) and substituting in lieu thereof the following:

"Sec. 2. (a) The commissioners court may contract with ~~[and]~~ the governing body of the city in which the county seat is located ~~[may contract]~~ for enforcement of the parking regulations promulgated under the provisions of Section 1 of this Act."

The amendment was read and was adopted.

On motion of Senator McKinnon and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)